

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

THOMAS HUGHES, Plaintiff,)
v.) C.A. No. 13-62 Erie
MR. TELEGA, et al, Defendants.)

MEMORANDUM ORDER

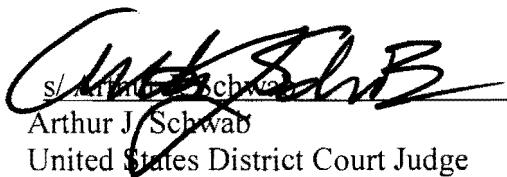
Plaintiff's complaint was received by the Clerk of Court on February 25, 2013, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates. The magistrate judge's report and recommendation, filed on October 17, 2013, recommended that the motions to dismiss filed by the DOC Defendants [ECF No. 24] and Defendant Maxa [ECF No. 26] be granted. It recommended further that Defendant Talega be dismissed from this case due to Plaintiff's failure to have him served with a copy of the Complaint within 120 days of the filing of this action in accordance with Rule 4(m) of the Federal Rules of Civil Procedure.

The parties were allowed ten (10) days from the date of service to file objections. Service was made on Plaintiff by mail at SCI Albion, where he is incarcerated, and on Defendants. No objections were filed. After de novo review of the pleadings and documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 7th Day of November, 2013,

IT IS HEREBY ORDERED that the motions to dismiss filed by the DOC Defendants [ECF No. 24] and Defendant Maxa [ECF No. 26] are GRANTED. It is further ORDERED that Defendant Talega is DISMISSED from this case due to Plaintiff's failure to have him served with a copy of the Complaint within 120 days of the filing of this action in accordance with Rule 4(m) of the Federal Rules of Civil Procedure.

The report and recommendation of Magistrate Judge Baxter, dated October 17, 2013, is adopted as the opinion of the Court.


S/ Arthur J. Schwab
Arthur J. Schwab
United States District Court Judge

cc: Susan Paradise Baxter
U.S. Magistrate Judge
All counsel of record